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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,976	02/14/2002	Michael J. May	83581SLP	9258
7590	08/12/2004			
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201				EXAMINER TAWFIK, SAMEH
				ART UNIT 3721
				PAPER NUMBER DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,976	MAY, MICHAEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sameh H. Tawfik	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 June 2004 .

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-3 and 5-25 is/are pending in the application.

4a) Of the above claim(s) 9-22 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5-8,23 and 24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennel (6,102,536) in view of Hinton (5,923,407).

Jennel discloses a method of producing a package wrapper comprising the steps of displaying an image in a display area of an imaging device (Figs. 1 and 2; via 22); displaying at least a portion of a package wrapper which includes the image thereon (Figs. 1 and 2; via 26a and 26b); selecting a package wrapper size (Figs. 5 and 5A; via different bag sizes made of wrapping paper); performing at least one of a printing, displaying, transmitting, and storing the package wrapper (Figs. 6 and 6A). Jennel does not disclose that user submit an image to produce a windowed image nor the window being movable relative to the image. However, Hinton discloses that user submit an image to produce a windowed image and the window being movable relative to the image (Figs. 2-5 and column 2, lines 59-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's image displaying means by giving the option to the user submitting an image to produce a windowed image and the window being movable relative to the image, as taught by Hinton, in order to provide a composite image that customer can chose from (column 1, lines 47 and 48).

Regarding claim 2: Jennel discloses that at least one of a printing, displaying, transmitting, and storing of the package wrapper in accordance with the selected package wrapper size (Figs. 1, 2, 5, and 5A).

Regarding claim 5: Jennel does not disclose that the step of selecting the package wrapper size is accomplished by inputting dimensions of a package. However, Jennel discloses different size of package (Figs. 5 and 5A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's method of producing a package wrapper by having inputting dimensions of a package, as a matter of engineering design choice, since the examiner takes an official notice that inputting dimensions of a package in processor unit is old, well known, and available in the art.

Regarding claim 6: selecting at least one predefined image from a plurality of predefined images; and combining the selected at least one predefined image with the windowed image, see for example (Figs. 1, 2, and 6).

Regarding claim 7: Jennel does not disclose that generating personalized information with the images. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's method of producing a package wrapper by generating personalized information with the images, as a matter of engineering design choice, since the examiner takes an official notice that generating personalized information with the images is old, well known, and available in the art.

Regarding claim 23: Jennel discloses a computer storage having instructions stored therein causing the production of package wrapper (Figs. 1 and 2).

Regarding claim 24: Jennel discloses a method of producing package wrapper (Figs. 1-3). Jennel does not disclose producing a personalized package wrapper. However, Hinton discloses printing a personal and chosen image by consumer to be printed on boards (Figs. 3-5 and column 2, lines 59-61).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's image displaying means by giving the option to the user submitting an image to produce a personalized package wrapper, as taught by Hinton, in order to provide a composite image that customer can chose from (column 1, lines 47 and 48).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721



ST.